Briefe Inſtructions for Churchwardens and others to obſerve in all Epiſcopall or Archdiaconall Viſitations and Spirituall Courts.

1 NO Biſhop Archdeacon, or other Eccleſiaſticall perſon, may or ought to keepe any viſitation at any time unleſſe he hath expreſſe Commiſſion or Patent under his Majeſties great Seale of England to doe it, and that as his Majeſties viſitor only and in his name and right alone, as is cleere * by 26 H.8.c.1. 37,H. 8. c.17. 1.Ed.6.c.2. 1 Eliz.c.1.8,Eliz. c.1. Which Commiſſion or Patent ought to bee read to the people before every viſitation, (as the Iudges Commiſſion is at every Aſſizes) before they begin to viſit, that ſo all the people may be aſſured, they have authority to viſit, and that only in his Majeſties name and right. As ſoone as ever therfore they appeare at any Viſitation, the firſt thing which they ought to doe (and that in point of loyalty to his Majeſtie by vertue of their * Oath of Supremacy preſcribed for this very end) is to demand of the Biſhop, or other Viſitor, what Patent or Commiſſion he hath from the King under his broad Seale to keepe a viſitation? If he have any, then demand the Regiſter to read it publikely, in ſuch manner as the Iudges Patent is read at the Aſſizes: If he either cannot produce, or read any ſuch Patent from the King, or viſit not in his name, right, and by his royall authority, You ought all preſently to proteſt againſt his proceedings, as contrary to his Majeſties lawes and Prerogative, and ſo to depart as you came, without more adoe.

* *Vniting the power of Viſiting the Eccleſiaſticall ſtate and Perſons for ever to the Crown, in expreſſe termes.*

* 1. Eliz. c. 1.

2. Every Viſitation being a Synod, or Convocation of the Clergy and Laytie (as * themſelves both ſtile and acknowledg it) ought to be called and ſummoned only by his Majeſties ſpeciall writ, as the Aſſizes and Seates in Eyre are, and that by the expreſſe Statutes of 8.H.6,c.1. 25.H.8.c.19.27.H.8.c.15. If then the Viſitation be not ſummoned and called by vertue of his

* *See Doctor Pocklingtons Sunday no Sabbath. p.1.2. Doctor Reades, and Teddars Viſitation ſermons.*

¶

his Majesties writ, but only by an Apparator, or note from the Bishop or Visitor (as they now ever are) None ought there to appeare at all.

3. If they have a lawfull Patent and reade it, and a writ to summon the visitation, If they tender the Church-wardens and Sidemen any Articles to present on (as now they doe) Let them demand, whether the Articles they tender them were made by the whole Convocation by the Kings Licence, ratified by the Parliament, and confirmed by the King himselfe under his broad Seale: If not (as none of them are) Then bid them keep them for waste paper, or to stop Musterd-pots, since such Articles and Canons now used, made by their owne authority and printed in their own names, are directly * contrary to the Statutes of 25.H.8.c.19, 21. 27.H.8.c.25. 32.H.8.c.26. 37.H.8.c.17. 1 Eliz.c.1, 2. 12 Eliz. c.13. their owne twelfth Canon, and draw themselves (with all those who submit to them or present upon them) both into a premunire, and an Excommunication *Ipso facto*,

* *Yea to his Majesties Declaration before the 39. Articles*

4. If they tender any oath to Churchwardens or Sidemen to present upon their Articles, or otherwise, as now they doe; First demand of them, What Act of Parliament prescribes or enjoynes that form of Oath they administer: for no new Oath (*no not that of* * *supremacy and Allegiance* instituted by Parliament,) can be imposed on the Subjects in any case but by * Parliament. If any Act of Parliament prescribe this Oath, and gives them power to administer it, Then let them shew it, and you will take it; If none (as none for certaine doth,) Then you neither will nor dare to take it, and they incurre a Premunire by making and administring such Oathes of their owne heads. Secondly, demaund of them, What Commission they have from his Majestie under his great Seale to administer an Oath to you? If none, Then they have no authority to give an Oath, Nor you no warrant or reason to take it. Thirdly, what Law of the Land, Canon or Statute gives them any authority to give you such an inquisition Oath? If any, Produce it; If none (as none doth,) You dare not, you will not take it, there being

* 28.H.8.c.10 35.H.8.c.1. 1. Eliz. c 1, 5. Eliz.c.1.3. 1ac. 6.4.

* *See the petition of Right.* 3 *Caroli.*

divers

divers * *Prohibitions* in the Common Law inhibiting it.

5. If they demaund any Fees of you in any Viſitation, (Where none of any ſort are due, neither for ſhewing of Letters or Orders, Licences to preach, or * keep ſchoole, &c. Nor any * Procurations, but onely from ſuch Churches as they perſonally keepe their Viſitations in, not from others which they come not at,) or upon any other occaſion. Demand of them, Whether any Statute or Patent from the King or his Anceſtors authorize or enable them to take ſuch fees they demaund? If ſo; Let them produce them, and you will pay what they allow them to take: If not, Then nothing is due, and you will pay nothing: it being meere extortion puniſhable in Starchamber.

* *Regiſter part* 2. *fol* 36. *b.* 2. *H.* 5. *c.* 3. *N.* 4. *R. Raſtall Prohibition* 5. *Mathew Paris. Hiſt. Anglia. p.* 693. 694. 705.

* 23. *Eliz. c.* 1.

* *See Lindewod de Cenſibus & Procurationibus.*

6. If any be cited into any of their ſpirituall Courts, let them demaund; Firſt, Whether they have a * Patent from the King, under his great Seale to keepe ſuch a Court? If not; You have nothing to doe with them, Nor they with you. Secondly, if their Patent gives them cogniſance of your cauſe? Thirdly if the Citation be in the Kings * name, and under his Seale of armes, as it ought? If not, Depart without more adoe; and if they excommunicate you, It is voide, you may goe to Church notwithſtanding: Or if they ſuſpend any Miniſters, without a lawfull cauſe and Patent from the King, let them preach notwithſtanding, and either indict them in a Premunire, Or bring an Action of the Caſe, &c. as Counſell ſhall adviſe. If all Subjects will take this courſe as they are bound in poynt of loyalty and conſcience to doe; they will ſoone ſhake off the Prelates tyranny and yoake of bondage, under which they groane, through their own defaults and cowardice.

* 26. *H.* 8. *c.* 1. 37. *H.* 8. *c.* 17. 1. *E.* 6. *c* 2. 1. *Eliz. c.* 1. 8. *Eliz. c.* 1.

* 1 *Ed.* 6. *cap.* 2.

If any be cited into the High Commiſſion Court and there tendered an Ex Officio Oath: Firſt let them aske what Scripture, Canon, or Statute allowes or preſcribes this Oath? Secondly, let them tell them, that the Statute of 1. Eliz. c. 1. which erects their Commiſſion, expreſly repeales the Statute of 2. H. 4. c. 15. the ground of all Ex Officio Oathes and proceedings, whence Mr. Fox ſtiles it: The Statute Ex Officio, Therefore repealing this Law, which brought in Ex Officio

Oathes * and proceedings, it never intended to revive them, or to authorize the Commissioners to proceed by them; for then it would have rather confirmed than repealed this Act. Thirdly, that the late Petition of Right 3° Caroli, condemned such Oathes and proceedings, as *not Warrantable by the Lawes and Statutes of* the Realme, (though warranted by their Commission,) expresly enacting, *That no man hereafter shalbe called to take such Oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusall thereof.* Therefore they dare not take it, neither can they administer it. Fourthly, that by their own * Canon Law, the accuser ought to appeare there face to face, and by his owne Oath, and his witnesses to prove his accusation true; but the party accused is to take no Oath: Therefore this Oath is against their owne Canon Law. Fiftly, that our Martyrs condemned Ex Officio and Visitation Oathes, for men to accuse themselves or others, as unlawfull, and would not take them; as appeares by Mr. Fox his Acts and Monuments: 1610. *p.* 481. 482. 487. 488. 495. 496. 539. 951. 956. 957. 1006. 1022. 1023. 1108. 1100. 1125. 1164. 1199. 1382. 1643. 1646. 1651. 1660. 1777. 1778. 1792. 1796. 1813. 1814. 1815. 1843. 1844. 1845. 1866. 1872. 1873. 1874. 1934. 1224. 1520. They being used onely by the bloudy persecuting Popish Prelates; Ibid. p. 335. 750, 751. 753. to 764. Therefore they dare not take them. Sixtly, that the very *Rhemists* themselves in their Annotations on Acts. 23. v. 12. resolve thus. *If thou be put to an Oath to accuse Catholickes for serving God as they ought to doe, or to * utter any innocent man to Gods enemies or his, thou oughtest first to refuse such unlawfull Oaths: but if thou have not constancy and courage to do it, yet know thou, that such Oathes bind not at all in conscience and Law of God, but may and must be broken under paine of damnation. For to make or take such vowes or oathes is one sin, and to keepe them is another farre greater.* That therefore which the Rhemists condemne wee dare not submit to: Neither should our Prelates presse, contrary to Iohn 18. 19. 20. 21. 22. 1 Tim. 5. 19. Rev. 12. 10. Math. 18. 16, 25. H. 8. c. 14. 1 Elis. c. 1. which require proof of all things by two witnesses at least.

* *Never heard of in the World till 1400 years after Christ, nor any ever committed for refusing an Ex Officio Oath, till 13. Elizabeth: and then adjudged against Law.*

* *Acts 25. 15. 16. 17. c. 24. 13. Gratian: Causa. 3. qu 3. 4. 5. 6.*

* *It is the devils office to be an accuser of the brethren: Rev. 12. 10. And will any Christian then dare to take it on him?*